

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

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IN THE MATTER OF THE COMPLAINT  
OF KEVIN MESSINA, AS OWNER OF  
THE WAVE RUNNER SUNSET RUNNER,  
FOR EXONERATION FROM AND  
LIMITATION OF LIABILITY

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)  
) IN ADMIRALTY  
) CIVIL ACTION  
) NO. 07-1336

) JUDGE AMON  
) MAGISTRATE JUDGE POHORELSKY  
)  
)

**MONITION**

The President of the United States, to the Marshall of the United States for the Eastern District of New York, greetings:

WHEREAS, an Amended Complaint (the "Complaint") was filed in the U.S. District Court for the Eastern District of New York on the 6th day of April, 2007, by the plaintiff above named, for the exoneration from or limitation of liability as owner of the wave runner SUNSET RUNNER ("SUNSET RUNNER") in respect of the losses, damages, or injuries caused by or resulting from the collision between John White and a rubber tube towed by the SUNSET RUNNER in the Gulf of Mexico in Sarasota County, Florida on February 20, 2004, for the reasons mentioned in the said Complaint, and plaintiff has prayed that a monition issue out of said Court citing all persons claiming damages by reason of the matters aforesaid to appear before said Court and to make due proof of their respective claims and to answer the allegations of the Complaint and, that if it shall appear that the plaintiff is not liable for any such losses, damages, or injuries it may be so finally decreed by this Court; or if it shall appear that the plaintiff is liable for any such losses, damages, or injuries, that the plaintiff's liability may be limited to the amount of the value of the plaintiff's interest in the said vessel, and praying for other further relief; and

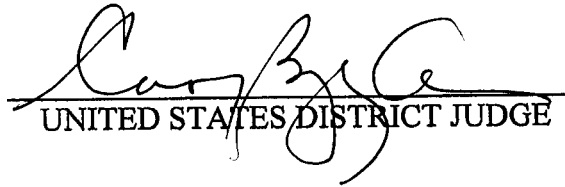
WHEREAS, the plaintiff has filed in the office of the Clerk of the U.S. District Court an ad interim stipulation in the sum of \$6,286.61 executed the 6th day of April, 2007, with interest from the date of said ad interim stipulation, undertaking to pay into Court within ten (10) days after the entry of an order herein appraising the value of the plaintiff's interest in the said vessel at the end of the said voyage, the amount or value of such interest as thus ascertained, or to file in the proceeding a bond or stipulation for value in the usual form in said amount, and the Court having directed by an order made and entered on the 20<sup>th</sup> day of April, 2007, that a monition issue against all persons claiming damages for any losses, damages or injuries arising during said voyage, citing them to file their respective claims with the Clerk of the Court and to serve on or mail to the attorney for the plaintiff a copy thereof on or before the ~~15<sup>th</sup>~~ <sup>4<sup>th</sup></sup> day of ~~May~~ <sup>June</sup>, 2007;

YOU ARE THEREFORE COMMANDED to cite all persons claiming damages for losses, damages or injuries occasioned or incurred upon said incident to file their respective claims with the Clerk of court and to serve on or mail to James E. Forde, Esq., Thatcher Proffitt & Wood LLP, Two World Financial Center, New York, NY 10281, attorneys for the plaintiff, a copy thereof on or before the ~~15<sup>th</sup>~~ <sup>4<sup>th</sup></sup> day of ~~May~~ <sup>June</sup>, 2007; and

YOU ARE ALSO COMMANDED to cite such claimants to appear and answer the Complaint on or before the date last named or within such further time as the Court may grant, and to have and receive such relief as may be due.

And what you have done in the premises do you then make return to this Court with this writ.

WITNESS Judge Amon, a Judge of the United States District Court for the Eastern  
District of New York, this <sup>26<sup>th</sup></sup> day of April, 2007.

  
UNITED STATES DISTRICT JUDGE